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KENT COUNTY HEALTH DEPARTMENT

ANIMAL CONTROL REGULATION

2002

Finding that current procedures for the control, regulation and impoundment of animals are ineffective in protecting the public health of the citizens of Kent County, the following Regulation, in order to safeguard the public health of the citizens of Kent County and to provide services to that end, provides for the collection of stray and unwanted animals, licensing and rabies vaccination of dogs, issuance of health permits for dog kennels, regulation of animal behavior and the keeping of animals, impoundment of animals, and the establishment of a public spay/neuter clinic.

ARTICLE I - General Provisions

Section 101. Short Title. This Regulation may be known as and may be cited and referred to as The Kent County Animal Control Regulations.

Section 102. Limitations. This Regulation shall not be construed to apply to any city or township which has adopted an animal control ordinance pursuant to MCLA 287.290.

Section 103. Authority. The authority for this Regulation is found in 1978 Public Act No. 368, part 24 (MCLA 333.2435 — 333.2441).

Section 104. Penalties. The Director is authorized to issue a notice to any person who violates a provision of State Statutes or these Regulations. The notice shall contain a description of the violation and shall cite the specific sections of the State Statutes or these Regulations that apply.

The Director may also order correction of a violation and may specify the nature of corrective action required and a reasonable time limit for the corrective action to be completed. In the case of violations that may present an imminent danger to public health and safety, immediate corrective action may be required.

- 1. Criminal.** In accordance with MCLA 333.2441, violation of this Regulation, or any section hereof, shall be a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$200.00 or both.
- 2. Civil.** In accordance with MCLA 333.2461, a schedule of monetary civil penalties adopted by the County Board of Commissioners may be used to set civil penalties

for violations of this Regulation as adopted by the Board of Health/County Board of Commissioners.

3. **Enforcement.** This Regulation may be enforced by criminal proceedings, civil penalties or both and any violation may give rise to both criminal and civil liability. The Director is authorized to seek judicial remedies and sanctions for any violation of these Regulations when administrative efforts to resolve the violation(s) have proven ineffective, inadequate or are otherwise deemed inappropriate.

Section 105. Agents. Whenever a power is granted to, or a duty is imposed upon the Director of the Health Department, the power may be exercised, or the duty performed, by an agent authorized by the Director to exercise such power, or to perform such duty unless this Regulation expressly provides otherwise.

Section 106. Establish Guidelines. The Director may establish guidelines and policies concerning the interpretation of these Regulations. The guidelines and policies shall be subject to review and approval by the Board of Health, prior to implementation.

Section 107. Severability. The various sections, paragraphs, sentences, clauses, and phrases of these Regulations are hereby declared severable. If a court of competent jurisdiction adjudges any section, paragraph, sentence, clause, or phrase unconstitutional or invalid, the remainder of these Regulations shall not be affected thereby.

ARTICLE II - Definitions

Section 201. Definitions. Whenever the following terms are used they shall have the meanings set forth in this article.

Section 202. Animal Control Officer shall mean any agent of the Health Department Director designated to enforce this Regulation and the 1919 Dog Law.

Section 203. Animal Shelter, shall mean the animal kenneling facility used by Kent County to house stray or unwanted animals. The Animal Shelter is a part of the Kent County Health Department and is under the Department's management and jurisdiction.

Section 204. Director, shall mean the Director of the Kent County Health Department or his/her designee.

Section 205. Department, shall mean the Kent County Health Department.

Section 206. Dog Kennel, shall mean any establishment which keeps or boards dogs for profit whether for breeding, sale or sporting purposes.

Section 207. Owner, when applied to the proprietorship of an animal for the purpose of this Regulation, shall mean any person who has a right of property in an animal, or any person who permits an animal to remain on or about any premises for seven consecutive days.

Section 208. Person, shall mean an individual person, a firm, partnership, corporation, trust, or any association of persons.

Section 209. Nuisance Animal, Aggressive Animal, Dangerous Animal

Nuisance Animal shall mean an animal running at large, on public or private property other than that of its owner or keeper, whose behavior constitutes a nuisance. Nuisance behavior shall include, but not be limited to: (a) making physical contact with a person or other animal in a harassing manner; (b) urinating or defecation; or (c) damaging inanimate personal property.

Aggressive Animal shall mean an animal that exhibits menacing behavior on public or private property including that of its owner or keeper. Menacing behavior shall include, but not be limited to: charging, scratching, toppling, teeth-baring, snapping, growling, or other predatory mannerisms, directed at a person or other animal in a place where the person or other animal is legally entitled to be.

Dangerous Animal shall mean an animal that bites or otherwise causes serious injury to a person or other animal on public or private property where the injured person or other animal is legally entitled to be, including the property of the animal's owner or custodian. An animal that is intentionally trained or conditioned to fight or guard, except for animals trained for law enforcement or service purposes while engaged in the activities for which they were trained, shall be considered a dangerous animal.

Exceptions

An animal shall not be considered a nuisance, aggressive or dangerous where its act is caused by: (a) an illness or injury suffered by the animal at the time of the act; (b) the negligent or reckless conduct of any person to whom the act is directed; (c) lawful hunting while the animal is under the control of its owner or custodian; or (d) defense of the animal's owner, or members of the owner's family or household, or their property.

ARTICLE III - Collection of Stray and Unwanted Animals

Section 301. Capture. The Director may capture or take into custody:

- (a) Unlicensed dogs;
- (b) Dogs without current rabies vaccination certificates;

- (c) Dogs which are running loose or which are not held properly in leash while off the owner's property;
- (d) Stray, unwanted, abandoned or abused animals;
- (e) Animals maintained contrary to any city or township ordinance other than an animal control ordinance adopted pursuant to MCLA 287.290;
- (t) Animals which the owner or custodian is not able to properly care for as a result of:
 1. Illness;
 2. Bankruptcy;
 3. Litigation;
 4. Other contingencies;
- (g) Any animal which has bitten a person.

Section 302. Observation. The Director may capture and take into custody, or accept and care for any animal held for observation-at the recommendation of a doctor, a veterinarian, or the County Health Department.

Section 303. Private Property. The Director is authorized to examine, capture, or rescue any animal or to conduct inspections of all properties, public or private, in conjunction with the fulfillment of the duties and responsibilities in these Regulations. No person shall refuse to permit the Director, after proper identification, to inspect any premises in accordance with MCLA 333.2446 nor shall any person molest or resist the Director in the discharge of those duties and the protection of the public health.

Section 304. Exhibition of Animals, Licenses or Certificates of Vaccination. The Director may require that a person owning any dog exhibit the dog, the required vaccination certificate, or the current license and license tag for such dog.

Section 305. Failure to Show License. Any person upon whom a demand is made under authority of this Regulation for the exhibition of any dog, rabies vaccination certificate, license or tag, who fails or refuses to exhibit the same if he has it in his possession, is in violation of this Regulation.

Section 306. Interference With an Animal Control Officer. No person shall interfere with, oppose or resist the Director while he is engaged in the performance of any act authorized by this Regulation.

Section 307. Unauthorized Removal From the Shelter. No person shall remove any animal from the custody of the Director nor shall any person remove any animal from the Animal Shelter without first receiving permission from the Director.

Section 308. Reclamation. All reclaimed dogs must be licensed as specified in Articles IV and VIII.

ARTICLE IV - Individual Dog Licensing

Section 401. Licensing Required. All dogs shall be licensed by the County except:

- (a) A dog under four months of age;
- (b) A dog licensed by a municipality in which the dog owner and dog reside;
- (c) A dog licensed by another state or county in which the dog and owner reside, if the owner will be present in Kent County for thirty days or less;
- (d) Dogs kept in dog kennels licensed pursuant to Section 502 hereof.

Section 402. Rabies Vaccination. All dogs shall be currently protected by a rabies vaccine active at the time of license issuance. Such vaccine shall be administered by a veterinarian except when a veterinarian states in writing that the dog should not be vaccinated for medical reasons and indicates when the dog can be vaccinated.

Section 403. Licensing Limitations. A dog license shall be issued for only an animal which has a current rabies vaccination; provided, however, that a license may be issued to an unvaccinated dog if the veterinarian certification set forth in Section 402 hereof has been obtained.

Section 404. Individual Licenses. The County Treasurer or his agent shall issue licenses as provided by MCL 287.274. License fees shall be established from time to time by the County Board of Commissioners.

Section 405. License Late Fees. Failure to comply with the licensing requirements of Section 404 will result in the imposition of such late fees and penalties as may be established from time to time by the County Board of Commissioners.

Section 406. Wearing of Tags. A license tag shall be worn by each licensed dog at all times.

Section 407. Concealment of Dogs. No person shall conceal any dog or conceal ownership of any dog when questioned by the Director.

ARTICLE V - Dog Kennels

Section 501. Kennel License. Any person operating a Dog Kennel may obtain a kennel license in accordance with MCLA 287.270.

Section 502. Kennel Health Permit. Any person operating a Dog Kennel shall obtain a kennel health permit from the Health Department. The cost of such permit shall be set from time to time by the County Board of Commissioners.

Section 503. Application for Kennel Health Permit. Each application for a kennel health permit shall be on a form provided by the Health Department and shall set forth the location of the kennel and the maximum number of dogs which will be kept in the kennel.

Section 504. Rabies Vaccination. Each dog kept in the kennel shall be vaccinated for rabies as specified in Section 402 unless the dog is less than four months old.

Section 505. Inspection. Each kennel shall be inspected prior to the issuance of a kennel health permit to assure compliance with this Regulation. Additional inspections may occur at any time to assure compliance with this Regulation and to prevent any community health problem.

Section 506. Revocation of Permit. A kennel health permit may be revoked if a condition exists which will endanger the health of the community or if the kennel is, in the opinion of the Director, not in compliance with this Regulation.

Section 507. Forfeiture of Fee. Upon revocation of a kennel health permit no part of the fees paid for the license and health permit shall be returned and such fees shall be forfeited to the County.

Section 508. Display of License and Health Permit. Every person having a kennel license and a kennel health permit shall keep the license and permit posted and exhibited in a conspicuous manner at the kennel.

Section 509. Local Zoning. No kennel health permit shall be valid for any kennel which violates any zoning ordinance or official land use plan. No permit shall be valid where such use is declared a nuisance by the relevant Township Board or City Commission.

Section 510. Conditions of Kennel.

- (a) **Building.** Enclosures which give adequate protection against weather extremes shall be provided. Floors and walls of buildings shall be of an impervious material to enable proper cleaning and disinfecting. The building temperature shall be maintained at a reasonable level and adequate ventilation shall be provided.
- (b) **Cages.** Cages shall provide enough space to let each dog stand up, lie down and turn around without touching the top or sides of the cage. Cages shall be of a material and construction that permits cleaning and sanitizing. Cage floors, unless radiantly heated, shall have either a resting area above the cage floor or some type of bedding.
- (c) **Runs.** Dog runs shall be of concrete or pea gravel. Concrete runs shall have adequate slopes for sanitation. If pea gravel is used, droppings must be collected and removed. All runs must be periodically disinfected.

(d) **Feeding.** All food shall be free of contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the daily requirements determined by the condition and size of the animal.

(e) **Water.** All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner which prevents tipping.

ARTICLE VI - (Designation Unused)

ARTICLE VII - Animal Behavior

Section 701. Dogs Running Stray. A person who owns or has custody or control of a dog shall prevent the dog from running at large. A person who owns or has custody or control of a dog shall, at any time the dog is off that person's property, restrain the dog with a lead or leash no greater than six (6) feet in length.

Section 702. Designation Unused

Section 703. Quarantine. Every dog or cat which has bitten a person shall be quarantined for a period of not less than ten days. Such quarantine shall be at the Animal Shelter, a veterinary office, or a place designated by the Director. The owner shall surrender the dog to the Director upon request.

Section 704. Public Hazard. Any animal that is known to have bitten a person or other animal may be declared a public health hazard by the Director. At his discretion, the Director may require that the animal be removed from the community, quarantined or confined in a manner specified by the Director.

Section 705. Defecation. A person who owns or has custody or control of an animal shall prevent the animal from defecating on any public or private property other than his own or shall immediately collect and properly dispose of all fecal matter deposited by the animal while it is off his property.

Section 706. Stray Livestock. A person who owns or has custody or control of livestock or poultry shall prevent such animals from running at large on public or private property without the consent of the property owner, provided, however, that this Section shall not prohibit leading or driving livestock, under the owner's or custodian's supervision, along a public highway.

Section 707. Nuisance, Aggressive or Dangerous Animal. A person who owns or has custody of a dog shall prevent the dog from engaging in nuisance, aggressive or dangerous behavior.

ARTICLE VIII - Impoundment Procedures

Section 801. Animal Shelter. The Animal Shelter is the animal custodial care facility of the Health Department. The Director shall hold all animals impounded by him as provided in MCLA 287.3 88. Any stray animal found in Kent County may be delivered to the custody of the Shelter during normal working hours.

Section 802. Relinquishing Strays. Any person picking up any stray animal or animal found running at large shall surrender such animal to the Director upon demand.

Section 803. Apprehension of Strays. Any person finding a stray animal may assist the Director by holding such animal for the Director to pick up or by delivering it to the Animal Shelter.

Section 804. Length of Impoundment. Length of impoundment shall be;

- (a) **Unlicensed Animals.** The Animal Shelter shall hold all healthy unlicensed animals for four days.
- (b) **Licensed Dogs.** The Animal Shelter shall hold all healthy stray dogs with current, valid licenses seven days from the date notice is given.
- (c) **Sick or Injured Animals.** Any animal that is suffering unduly may be destroyed at the discretion of the Director.
- (d) **Voluntarily Surrendered Animals.** Any animal may be destroyed at the request of the owner for a fee set from time to time by the County Board of Commissioners.

The length of impoundment shall be computed by excluding the first day the animal is brought to the shelter and including the last day of confinement. If the last day is a Saturday, Sunday or legal holiday, the period shall be extended to the next day which is not a Saturday, Sunday, or legal holiday.

Section 805. Records. The Director shall keep a record of each animal impounded by him, the date of the impounding, the date and manner of its disposal and if redeemed, reclaimed or sold, the name and amount of all fees collected because of the impounding, reclaiming, or purchasing of the animal, together with the number of any license tag or kennel license exhibited or purchased upon the redemption or sale.

Section 806. Notice. When any animal wearing a current, valid license tag issued by the County of Kent or any municipality within the County of Kent is impounded pursuant to this Regulation, the Director shall, within twelve working hours after receiving such animal, give written notice of the animal's confinement to the person to whom the license was issued.

Section 807. Compliance. The Director shall not release or sell any animal that has been impounded in accordance with this Regulation unless the person to whom the animal is released or sold provides satisfactory proof that the animal will be maintained in accordance with this Regulation and any other relevant ordinance or statute.

Section 808. Medical Attention. The Director may employ a veterinarian whenever he deems it necessary in a medical emergency in order to properly care for an impounded animal. The County shall charge a fee for veterinary services and such animal shall not thereafter be redeemed without payment of such fee in addition to other impoundment fees and costs.

Section 809. Payment of Fees. The Director shall not release any dog unless the dog is first licensed and vaccinated against rabies and all fees and costs established from time to time by the Kent County Health Department and the County Board of Commissioners have been paid in full.

Section 810. Unclaimed Animals. All animals not reclaimed within a period of time established for the holding of strays, shall be destroyed or sold at the discretion of the Director.

ARTICLE IX - Keeping of Animals

Section 901. General Regulations. Every person who owns or who has charge, care or custody of an animal shall comply with each of the following requirements:

- (a) Feeding.** Each animal shall be supplied with sufficient, good, wholesome food and water as often as the feeding habits of the animal requires.
- (b) Cleanliness.** All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.
- (c) Unattended Animals.** No animal shall be without attention for more than twenty-four hours. Whenever a commercial animal facility is left unattended, the name, address and telephone number of the owner of the facility and the person responsible for the care of animals shall be posted in a conspicuous place at the front of the facility.

- (d) **Dangerous Surroundings.** No condition shall be maintained or permitted that is, or could be injurious to the animal.
- (e) **Teasing.** Every reasonable precaution shall be taken to insure that animals are not teased, abused, mistreated, annoyed, tormented or made to suffer by any person or means.
- (f) **Protection.** All reasonable precautions shall be taken to protect the public from animals and animals from the public.
- (g) **Sick Animals.** Every commercial animal facility shall isolate sick animals sufficiently so as not to endanger the health of other animals.
- (h) **Ventilation and Light.** Every building or enclosure wherein animals are maintained shall be constructed of materials easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to the physical needs of the animals with sufficient light to allow observation of the animals.
- (i) **Veterinarian Attention.** The owner or custodian shall take an animal to a veterinarian for an examination and treatment if the Director or his agent finds this is necessary in order to maintain the health of the animal, and so orders.
- (j) **Cages.** All animal rooms, cages, kennels and runs shall be of sufficient size to provide adequate and proper accommodation for the animals kept therein.
- (k) **Shelter.** Proper shelter and protection from the weather provided at all times and as a minimum shall consist of a three-sided shelter of suitable size.
- (l) **Structural Strength.** Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals.

Section 902 — Cruelty

- (a) **Beating.** No person shall beat, kick, hit, bite, burn or in any other manner cause an animal to suffer needlessly.
- (b) **Injury.** No person shall cause abusive injury to an animal.
- (c) **Teasing.** No person shall tease or entice a dog or other animal.
- (d) **Alcohol.** No person shall give an animal any alcoholic beverage unless prescribed by a veterinarian.

- (e) **Incompatible Animals.** No person shall allow animals, which are natural enemies, temperamentally unsuited, or otherwise incompatible to be quartered together or so near each other as to cause injury, fear, or torment. If two or more animals are trained so that they can be placed together and without attacking each other, or performing, or attempting any hostile act toward each other, such animals shall not be considered enemies.
- (f) **Injurious Tack.** No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.
- (g) **Proper Exercise.** Working animals shall be given exercise proper for the individual animal under the particular conditions.
- (h) **Working Sick Animals.** No person shall work or use any animal which is overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit.
- (i) **Bitch in Heat.** No person having a bitch in heat shall permit her to be contained in a fashion which gives stray animals access to her or which permits her to escape.
- (j) **Confinement.** No person shall confine a dog on a chain for more than four hours unless the chain permits movement over at least 30 square feet and allows the dog free access to a suitable shelter.
- (k) **Abandonment.** No person shall abandon any animal.

Section 903. Sale of Fowl or Rabbits. No person shall give, sell, or offer to sell any chicks, ducklings or other fowl under three months of age or rabbits under two months of age. This section does not prohibit the proper sale of such animals for breeding purposes.

Section 904. Exotic Animals. No person shall keep any exotic animal or type of animal which the Director may determine to be a hazard to the community.

ARTICLE X - Public Spay/Neuter Clinic

Section 1001. General. The Director may establish a clinic at which members of the public may have dogs or cats spayed or neutered. It shall be the goal of this clinic to provide services at a reduced cost for animals owned by persons who would not otherwise have their animals altered.

Section 1002. Costs. The fees and costs of surgery shall be established by the County Board of Commissioners.

Section 1003. Certification of Ownership. Any person submitting a dog or cat for the above service shall sign a consent form prepared by the Department of Health certifying that he is the owner of the animal (or setting forth facts showing that he is otherwise authorized to present the animal for the above operation) and such person may be required to furnish proof of ownership or authority. The consent shall waive liability of the County, the Animal Shelter, and County employees for injury or death to the animal arising out of the aforementioned operation.

Section 1004. Abandonment. The Animal Shelter shall establish a return date by which a person submitting a dog or cat for the above operation shall pick up said animal or be subject to reasonable board and care fees commencing the day after the return date. Failure to pick up an animal within five days of a return date shall be deemed abandonment of the animal and the Director may dispose of it by sale or destruction.

These revised Regulations were approved by action of the Kent County Board of Health on July 14, 2000, and approved by action of the Kent County Board of Commissioners on August 10, 2000.

These Regulations shall be in effect as of August 18, 2000.